

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

MONCHELLO CORNELL LOUIS,

Plaintiff,

v.

Case No. 17-CV-113

MILWAUKEE COUNTY JAIL, et al.,

Defendants.

ORDER

Plaintiff, Monchello Cornell Louis is representing himself. He filed a complaint along with a petition to proceed without prepayment of the filing fee (*in forma pauperis*) pursuant to 28 U.S.C. § 1915. On February 16, 2017, the court ordered Louis to forward to the Clerk of Court by March 10, 2017, the sum of \$10.23 as an initial partial filing fee in this action. The court advised Louis that, upon payment of this fee, it would determine whether the action can proceed without prepayment of the filing fee (*in forma pauperis*). To date Mr. Louis has not paid the initial partial filing fee. From this failure to pay the initial partial filing fee this court infers that Mr. Louis no longer wants to prosecute this action.

However, before dismissing this case for failure to pay the initial partial filing fee, the court must determine whether the prisoner is at fault for the non-payment. *See*

Thomas v. Butts, 745 F.3d 309, 312-13 (7th Cir. 2014). A court may not dismiss the suit of a prisoner who has a lack of funds in the account. *Id.* at 312; *see also* § 1915(b)(4) (“In no event shall a prisoner be prohibited from bringing a civil action . . . for the reason that the prisoner has no assets and no means by which to pay the initial partial filing fee.”). “But if the court finds that the prisoner is unable to pay the partial filing fee at the time of collection because he intentionally depleted his account to avoid payment, the court in its sound discretion may dismiss the action.” *Thomas*, 745 F.3d at 312 (citations and internal quotation omitted).

NOW, THEREFORE, IT IS ORDERED that the plaintiff shall show cause why this case should not be dismissed for nonpayment of the initial partial filing fee. On or before **April 10, 2017**, the plaintiff shall provide the court with information regarding why the initial partial filing fee has not been paid.

IT IS ALSO ORDERED that a copy of this order be sent to the Milwaukee County Sheriff. A copy should also be sent to Dennis Brand at the Milwaukee County Jail.

Dated at Milwaukee, Wisconsin this 20th day of March, 2017.


WILLIAM E. DUFFIN
U.S. Magistrate Judge